

111TH CONGRESS
1ST SESSION

H. R. 2789

To confer certain Federal jurisdiction on the High Court of American Samoa,
and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 10, 2009

Mr. FALEOMAVAEGA introduced the following bill; which was referred to the
Committee on the Judiciary

A BILL

To confer certain Federal jurisdiction on the High Court
of American Samoa, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. FINDINGS.**

4 The Congress finds the following:

5 (1) The political relationship between the
6 United States Territory of American Samoa and the
7 United States is embodied in two separate treaties
8 of cessions: one that was signed on April 17, 1900,
9 between the traditional leaders of the Islands of
10 Tutuila and Aunu'u and the United States; and an-

1 other that was signed on July 16, 1904, between the
2 traditional leaders of Manu'a and the United States.

3 (2) The Act of February 20, 1929 (48 U.S.C.
4 1661), whereby Congress officially ratified the two
5 treaties of cessions, stipulates, in subsection (c), that
6 “Until Congress shall provide for the government of
7 such islands, all civil, judicial, and military powers
8 shall be vested in such person or persons and shall
9 be exercised in such manner as the President of the
10 United States shall direct; and the President shall
11 have power to remove said officers and fill the va-
12 cancies so occasioned.” On June 29, 1951, by Exec-
13 utive Order No. 10264, President Harry S. Truman
14 transferred the administration of American Samoa
15 from the Secretary of the Navy to the Secretary of
16 the Interior.

17 (3) In accordance with article IV, section 3,
18 clause 2 of the United States Constitution, and pur-
19 suant to subsection (c) of the Act of February 20,
20 1929 (48 U.S.C. 1661(c)), Congress hereby author-
21 izes additional jurisdiction to be exercised by the
22 High Court of American Samoa under this Act.

1 **SEC. 2. FEDERAL JURISDICTION AND ADMINISTRATIVE DU-**
2 **TIES OF HIGH COURT OF AMERICAN SAMOA.**

3 (a) **ADDITIONAL JURISDICTION.**—The High Court of
4 American Samoa shall have jurisdiction over any criminal
5 case arising under any law of the United States applicable
6 to American Samoa in which a defendant who is accused
7 of the criminal violation resides in American Samoa and
8 the violation occurred in the territory of American Samoa.

9 (b) **APPEALS.**—

10 (1) **INITIAL APPEAL.**—A decision of the High
11 Court of American Samoa under subsection (a) may
12 be appealed to the Appellate Division of the High
13 Court of American Samoa not later than 60 days
14 after the date of the decision of the High Court.

15 (2) **APPEAL TO U.S. DISTRICT COURT.**—A deci-
16 sion of the Appellate Division of the High Court of
17 American Samoa under paragraph (1) may be ap-
18 pealed to the United States District Court for the
19 District of Hawaii not later than 60 days after the
20 date of the decision of the Appellate Division.

21 (3) **FURTHER APPEALS.**—A decision of the
22 United States District Court for the District of Ha-
23 waii may be appealed as provided in title 28, United
24 States Code.

25 (c) **ADMINISTRATIVE DUTIES.**—The Chief Justice of
26 the High Court of American Samoa, or the assignee of

1 the Chief Justice, shall administer all matters pertaining
2 to the justices and judges of the courts of American
3 Samoa, and to the clerks and other administrative staff
4 of such courts.

5 (d) ADDITIONAL JUSTICES.—

6 (1) APPOINTMENT.—The Secretary of the Inte-
7 rior shall appoint 2 or more justices to the High
8 Court of American Samoa as needed.

9 (2) QUALIFICATIONS.—In appointing individ-
10 uals under paragraph (1), the Secretary shall con-
11 sider, in addition to the legal training of the individ-
12 uals, such individuals' knowledge of the traditional
13 and customary laws of American Samoa.

14 (e) SPECIAL PROSECUTOR.—The Secretary of the In-
15 terior shall appoint a special prosecutor for American
16 Samoa, whose responsibility shall be to prosecute all crimi-
17 nal violations of laws of the United States over which the
18 High Court of American Samoa has jurisdiction under
19 subsection (a), pursuant to applicable local procedures of
20 the High Court of American Samoa. In appointing an in-
21 dividual to such office, the Secretary shall consider, in ad-
22 dition to the individual's legal training, such individual's
23 knowledge of the traditional and customary laws of Amer-
24 ican Samoa.

1 **SEC. 3. EFFECTIVE DATE; NEEDS ASSESSMENT.**

2 (a) EFFECTIVE DATE.—Subject to subsection (b),
3 this Act shall take effect upon the expiration of the 120-
4 day period beginning on the date of the enactment of this
5 Act.

6 (b) NEEDS ASSESSMENT.—The Secretary of the In-
7 terior and the Attorney General of the United States, in
8 consultation with the Chief Justice of the High Court of
9 American Samoa, the Governor of American Samoa, and
10 the President of the Senate and the Speaker of the House
11 of Representatives of American Samoa, shall, by not later
12 than 90 days after the date of the enactment of this Act,
13 assess the increase in staffing and administrative costs re-
14 quired by reason of this Act.

15 **SEC. 4. REPORT TO CONGRESS.**

16 The Secretary of the Interior shall, not later than 1
17 year after the date of the enactment of this Act, submit
18 to the Congress a report on the implementation of this
19 Act.

20 **SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

21 There is authorized to be appropriated to the Sec-
22 retary of the Interior \$2,000,000 to carry out this Act.

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